

Federal Communications Commission

WASHINGTON, D.C.

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Amendment of Section 73.202(b),)
Table of Allotments,)
FM Broadcast Stations)
(Grants and Bosque Farms, New Mexico))

MM Docket No. 01-78 /
RM-10080

To: Chief, Allocations Branch

COMMENTS IN SUPPORT OF NOTICE OF PROPOSED RULE MAKING

Educational Media Foundation ("EMF"), permittee of noncommercial educational station KQLV(FM), Channel 288C1, Grants, New Mexico (FCC File No. BMPED-20010129ADE), by its undersigned attorneys and in response to the Commission's *Notice of Proposed Rule Making* in the above-captioned proceeding, DA 01-739 (released March 23, 2001) (the "*NPRM*"), hereby files these Comments in support of the *NPRM*'s proposal to substitute Channel 288C2 for Channel 288C1 at Grants, New Mexico, to reallocate Channel 288C2 to Bosque Farms, New Mexico, and to modify the license of KQLV(FM) to specify Channel 288C2 at Bosque Farms as well as to allot Channel 244C3 to Grants.¹

1. EMF commenced this proceeding on February 16, 2001 with its filing of a Petition for Rule Making requesting that the Commission initiate a proceeding to amend the FM

¹ On April 25, 2001, the Commission granted EMF's application for minor modification of the KQLV(FM) construction permit to operate as a Class C1 facility. EMF constructed the facility and filed a license application on May 8, 2001. See FCC File No. BLED-20010508AAW. Thus, EMF hereby amends its proposal to request the substitution of Channel 288C2 for Channel 288C1 (rather than Channel 288C) at Grants. In all other respects, EMF's proposal remains the same.

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List A B C D E

Table of Allotments as proposed in the *NPRM*. EMF demonstrated in its Petition that this channel substitution and allotment at Grants and reallocation to Bosque Farms, and the concomitant modification of KQLV(FM)'s license to specify operation on Channel 288C2 at Bosque Farms, would comply with the Commission's technical requirements,² would result in the provision of new service to a community warranting such service and would result in a preferential arrangement of allotments. Specifically, EMF showed that there would be a large net population gain from the adoption of the proposal, that Bosque Farms would receive its first competitive FM service and that four local aural transmission services would remain in Grants upon adoption of the proposal. Moreover, adoption of the proposal would not result in a net loss in the number of allotments to Grants but would result in the creation of a new local service since the proposal includes a new allotment to Grants, for which EMF has promised to apply.

2. In response to EMF's Petition, the Commission instituted the instant rule making proceeding to more fully consider EMF's proposal. EMF hereby incorporates herein by reference its Petition for Rule Making filed in this proceeding and reiterates its expression of interest in the substitution at Grants and reallocation to Bosque Farms, New Mexico of Channel 288C2 as well as in the allotment of Channel 244C3 to Grants, New Mexico. If the proposal set forth in this proceeding is adopted, EMF will expeditiously file the appropriate application to implement the KQLV(FM) facilities at Bosque Farms. EMF will also file a Form 301 application for Channel 244C3 at Grants when the Commission opens a window and, if authorized, will proceed promptly with construction and operation of the new station.

²Although, as indicated by the Commission, in order to accommodate EMF's desired transmitter site, Channel 288C2 must be allotted to Grants with a site restriction of 12.3 kilometers (7.6 miles) southwest.

3. On April 4, 2001, the Christian Country Network, Inc. ("CCN") filed Comments in this proceeding proposing to downgrade KQLV(FM) from Channel 288C to Channel 244C3, the new allotment that EMF had proposed at Grants, and to allot Channel 288C2 to Bosque Farms as a new allotment open to competing expressions of interest. EMF notes, however, that it amended its application for modification of KQLV(FM) to operate as a Class C1 rather than a Class C3 facility. This application was granted on April 25, 2001, and EMF has constructed the Class C1 facilities and filed a covering license application. Accordingly, CCN's counterproposal is now moot and must be denied.³

4. The existing KQLV(FM) facilities serve 22,704 people within the 60 dBu contour, only slightly more than the 20,943 people that would have been served by the station's Class C3 facilities, and these facilities serve substantially the same area as the Class C3 facilities would have served.⁴ Thus, grant of the reallocation request will permit KQLV(FM) to increase the number of listeners within its primary service area by 507,829. Moreover, as demonstrated by the attached map, the existing KQLV(FM) Class C1 60 dBu contour is essentially contained within the formerly authorized Class C 60 dBu contour. Thus, there will be far less loss of service than previously calculated in EMF's original Petition

³ The requested reallocation of Channel 288C2 to Bosque Farms is mutually exclusive with KQLV(FM)'s now authorized Class C1 allotment at Grants.

⁴ See map attached hereto as Exhibit A and Exhibit 2A to EMF's Petition.

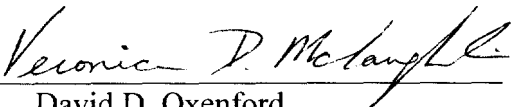
Conclusion

For the foregoing reasons, EMF urges the Commission to adopt the *NPRM*'s proposal, as amended herein, to substitute Channel 288C2 for Channel 288C1 at Grants, New Mexico, to reallocate Channel 288C2 to Bosque Farms, New Mexico, and to allot Channel 244C3 to Grants, New Mexico.

Respectfully submitted,

EDUCATIONAL MEDIA FOUNDATION

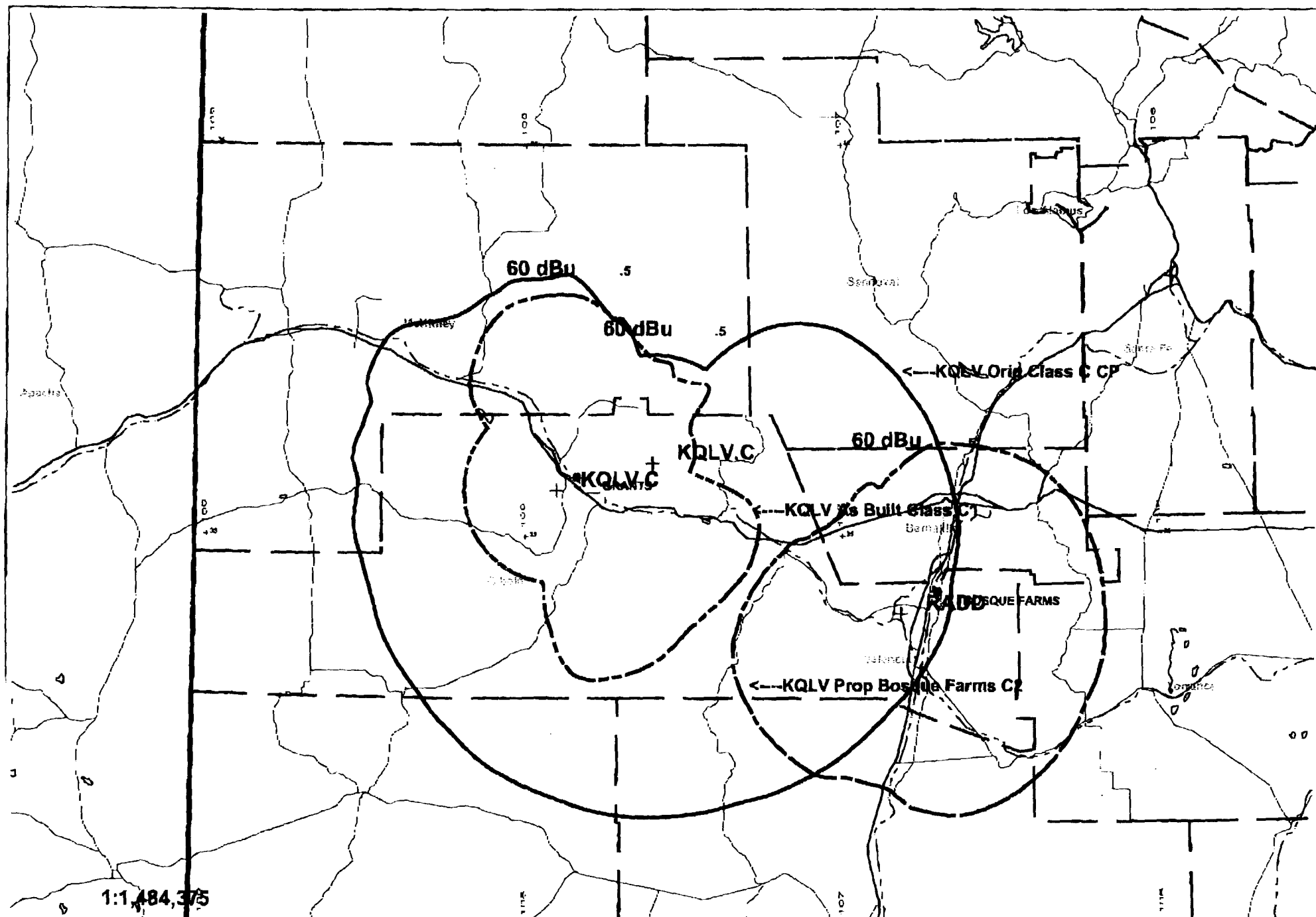
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Dated: May 14, 2001

Its Attorneys

EXHIBIT A




CERTIFICATE OF SERVICE

I, Renee Williams, do hereby certify that on this 14th day of May, 2001, I mailed by first-class United States mail, postage prepaid, copies of the foregoing **“COMMENTS IN SUPPORT OF NOTICE OF PROPOSED RULE MAKING”** to the following:

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